

## **CHAPTER 40-38.1 MUNICIPAL ARTS COUNCIL**

**40-38.1-01. Municipal arts council - Establishment - Election.** The question of establishing a municipal arts council shall be submitted to the electors upon resolution of the governing body or upon the petition of not less than twenty-five percent of that number of electors of the city who voted at the last general election, filed with the governing body not less than sixty days before the next regular election. The municipal arts council may be discontinued within any city by any of the methods by which it may be established, except that once established, such council shall not be discontinued until after it has been in operation for at least five years from the date of establishment.

**40-38.1-02. Municipal arts fund - Levy - Collection - Kept separate.** For the purpose of establishing and maintaining the municipal arts council, the governing body of a city authorizing the same shall establish a municipal arts fund. The fund shall consist of revenues from any city property tax authorized by this section, which levy may be made by the city at the direction of the municipal arts council in any amount, but not exceeding the limitation in subsection 7 of section 57-15-10 and any other moneys received from federal, state, county, city, or private sources. The city auditor shall keep the municipal arts fund separate and apart from the other money of the city, and it shall not revert to or be considered funds on hand by the governing body at the end of any fiscal year. The municipal arts fund shall be used exclusively for the establishment and maintenance of the municipal arts council and for grants by the council to appropriate arts organizations in the city. Upon motion of the governing body or upon petition of not less than twenty-five percent of the qualified electors voting in the last general election of the city, filed not less than sixty days before the next regular election, the governing body shall submit to the qualified electors at the next regular election the question of whether such governing body shall annually levy a specified amount not to exceed five mills for the municipal arts council.

**40-38.1-03. Board of directors - Appointment - Term of office - No compensation - Filling vacancies - Organization.** The governing body of a city which has established a municipal arts council shall appoint a board of not less than five nor more than nine directors who must be residents of the city as members of the council. The terms of office of the members of the first council appointed under this section shall be staggered so that, as near as possible, an equal number of terms will expire in each of the first three years. The members, at their first meeting, shall determine the length of their respective terms by lot. Thereafter, the number of members required to fill expired terms shall be appointed each year, and thereafter each member shall hold office for a term of three years from the first day of July in the year of the appointment and until a successor has been appointed. No member of the council shall serve for more than two consecutive terms, after which an interval of one year must elapse before the same member may be reappointed. All vacancies on the municipal arts council shall be reported by the council to the governing body of the city and shall be filled by the governing body. Appointments made to fill unexpired terms shall be for the remainder of the term only. No compensation shall be paid or allowed to a council member. Immediately after the appointment of its members, a municipal arts council shall meet and organize by electing a president and a secretary.

**40-38.1-04. General powers and duties of a municipal arts council.** A municipal arts council shall have the following powers and duties:

1. To make and adopt such bylaws and rules relating to the duties of the officers and members of the council as may be expedient and not inconsistent with the provisions of this chapter.
2. To control, exclusively, the expenditures of all moneys collected for or contributed to the municipal arts fund.
3. To employ qualified personnel to administer the provisions of this chapter.

**40-38.1-05. Board of directors may purchase, build, or lease building for offices - Municipal arts council office fund - Public hearing required.** The municipal arts council, with the approval of the city governing body, may build, lease, lease-purchase, or purchase office space for the municipal arts council and purchase a site therefor. Such lease, purchase, or contract shall not be valid without the approval of the governing body of the city. Prior to any actions on such proposals, the governing body shall hold a public hearing on the proposals. Notice of the hearing shall be published at least once, not less than six days prior to the hearing, in a newspaper of general circulation within the city. The governing body shall seek the advice and comment of the general public at the hearing. After such hearing, the governing body of a city may establish by resolution a municipal arts council building fund for the purpose of construction, enlargement, or alteration of a building or for the purchase of an existing building to be used for offices for the municipal arts council. The city auditor shall place in the building fund all moneys for such purposes as may be appropriated by the governing body or received for such purposes from federal, state, county, city, or private sources. The building fund shall not revert to the general fund of the city without authorization by formal resolution from both the municipal arts council and the governing body of the city.

**40-38.1-06. Vouchers - How drawn.** The secretary of the council may draw money from the municipal arts fund upon vouchers of the board of directors without any other audit. However, no vouchers may be drawn payable to the fund created under section 40-38.1-05.

**40-38.1-07. Donations - How accepted - Council as trustee.** All persons desirous of making donations of money, personal property, or real estate for the municipal arts fund may vest the same in the municipal arts council. The council shall hold and control all property accepted as a special trustee. The city auditor shall be ex officio treasurer of the council as such special trustee, and shall, under the direction of the council, keep, invest, and disburse all funds and securities so vested in said board. The treasurer shall be deemed a public employee and as such bonded through the state bonding fund in the amount fixed by the council and at the expense of the council, as are other public employees under chapter 26.1-21.

**40-38.1-08. Annual report of municipal arts council - Contents - To whom made.** A municipal arts council shall make a report on July first of each year to the governing body of the city, stating:

1. The condition of the property donated to the fund.
2. The various sums of money received from all sources.
3. How much money has been expended and for what purpose.
4. Such other statistics, information, and suggestions as the council may deem of general interest.

Copies of the report shall be filed with the governing body of the city.

**40-38.1-09. Contributions by political subdivision to establishment of municipal arts council without election authorized.** To aid and facilitate the organization of the municipal arts council, the governing body of any city where the population is less than two thousand five hundred may appropriate annually from its general fund, or from any other moneys received for similar purposes from federal, state, and private sources, a sum not to exceed five dollars per capita. Such appropriation shall be made without submitting the same to vote as provided in section 40-38.1-02.